

CR-2618-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.126

CR-2618-2024

Date of Decision: 01.05.2024

BALWINDER SINGH

....Petitioner

Versus

POONAM THAKUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Namit Gautam, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India to seek setting aside of impugned order, with regard to issuance of warrant of possession dated 25.04.2024, copy whereof is Annexure P-6.

It is submitted by learned counsel that at first instance, ejectment order dated 17.01.2023 was passed by learned Rent Controller, against the petitioner (who was tenant before learned Trial Court). However, feeling aggrieved, the petitioner had filed an appeal before learned Appellate Authority, together with the application for grant of stay. However, the said appeal was firstly entertained by learned Appellate Authority on 30.01.2023., copy whereof is Annexure P-4, wherein, notice was ordered to be issued to the respondent/landlord. Thereafter, on the very

CR-2618-2024

next date, the respondent/landlord had made appearance through counsel and the case was further adjourned. Time and again, the case was adjourned for arguments.

Copies of the zimini orders up to date have been placed on record. From the few of the zimini orders, it is evident that the case was fixed for remaining arguments. However, the stay application is still pending. Now, the date fixed before learned Appellate Authority is 09.05.2024.

Such being fact situation, it is submitted that simultaneously, execution for seeking possession of the demised premises, is pending adjudication, relating to which, warrant of possession has been issued, copy whereof is Annexure P-6. It is also submitted by learned counsel that the order dated 24.04.2024 passed by learned Rent Controller/Executing Court, vide which, the warrant of possession had been ordered to be issued, is not available, as the same has not been uploaded on the official website. It is further submitted by learned counsel that at present, he confines his relief only qua time bound direction to learned Appellate Authority to decide the stay application.

In the light of the submission, so made and also taking into consideration various zimini orders, it was required on the part of learned Appellate Authority to pass any appropriate order on the application for stay, in accordance with law. The purpose of filing of appeal shall stand frustrated, if the execution is culminated. In the given circumstances, learned Appellate Authority is requested to decide the stay application, on the date fixed i.e. 09.05.2024, or maximum within a period of seven days thereafter.

CR-2618-2024

In the meanwhile, the warrant of possession (if issued), shall remain in abeyance and the protection of possession of the petitioner from the demised premises, shall continue, till the decision of the stay application, within the aforesaid time period.

In the light of the aforesaid, the present revision petition stands disposed of.

01.05.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No